

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-16 ADP-00 AID-20 EB-11 NSC-10 RSC-01

CIEP-02 TRSE-00 SS-15 STR-08 OMB-01 CEA-02 H-03

CIAE-00 INR-10 NSAE-00 COME-00 PA-03 PRS-01 USIA-12

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DRAFTED BY L/ARA:TABOREK

7/12/73 EXT 23082

APPROVED BY ARA/CAR:JRBURKE

L/ARA:DAGANTZ (DRAFT)

L/C:FAKWIA TEK (DRAFT)

ARA/CAR:KLWAUCHOPE (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY PORT AU PRINCE PRIORITY

C O N F I D E N T I A L STATE 136405

E.O. 11652: GDS

TAGS: ETRD, EINB, HA

SUBJECT: DUPONT CARIBBEAN

REF: PORT AU PRINCE 1130

1. DUPONT CARIBBEAN PRESIDENT PIERSON PAID UNEXPECTED VISIT TO DEPARTMENT ON AFTERNOON OF JULY 11 TO PRESENT DEPARTMENT OFFICERS (ARA/CAR AND L/ARA) WITH COPIES OF LETTER GIVING HIS VERSION OF JULY 9 COURT PROCEEDINGS IN PORT AU PRINCE REPORTED REFTEL. HE WENT ON TO REPEAT HIS SIDE OF DISPUTE AND OF ALLEGED MACHINATIONS OF GOH AND COMPETITORS INTERESTED IN TAKING OVER TORTUGA PROJECT AGAINST DUPONT CARIBBEAN AND HIMSELF. AS HE HAD DONE IN PREVIOUS MEETING WITH SAME DEPARTMENT OFFICERS, HE ASSERTED THAT DUPONT CARIBBEAN HAD SCRUPULOUSLY OBSERVED ITS OBLIGATIONS UNDER 1971 CONCESSION AGREEMENT AS
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AMENDED, AND THAT NOTWITHSTANDING FACT THAT GOH OFFICIALS

WERE AWARE OF THIS COMPLIANCE, THEY HAD CHOSEN TO IGNORE IT AND TO FRUSTRATE WHERE THEY COULD DUPONT CARIBBEAN IN ITS DEVELOPMENT OF TORTUGA FREEPORT PROJECT. HE ALSO REPEATED HIS CLAIMS THAT HIS FORMER ATTORNEYS HAD BEEN INTIMIDATED BY GOH INTO WITHDRAWING FROM CASE AND THAT PROCEEDINGS CONSTITUTE NO MORE THAN "KANGAROO COURT" IN WHICH RESULT (I.E., CANCELLATION OF DUPONT CARIBBEAN CONCESSION) WAS FOREGONE CONCLUSION NOTWITHSTANDING FACT THAT OFFICIALS OF GOH, JUDGES IN CASE, AND OTHER PEOPLE

INVOLVED ALL KNEW AND HAD ADMITTED (PRIVATELY) THAT CHARGES AGAINST DUPONT CARIBBEAN WERE BASELESS.

2. DEPARTMENT OFFICERS RESPONDED THAT INASMUCH AS CASE IS STILL BEFORE HAITIAN COURT THERE WOULD BE LITTLE IN WAY OF AFFIRMATIVE STEPS THAT EITHER EMBASSY OR DEPARTMENT COULD APPROPRIATELY TAKE ON BEHALF OF PIERSON AND DUPONT CARIBBEAN AT THIS TIME, ALTHOUGH GOH WAS AWARE OF USG CONCERN AND OF USG EXPECTATION THAT PIERSON AND DUPONT CARIBBEAN WOULD RECEIVE A FAIR HEARING. PIERSON WAS ALSO TOLD THAT USG COULD NOT ESPOUSE CLAIM ON HIS BEHALF UNTIL SUCH TIME AS IT APPEARED THAT ALL AVAILABLE EFFECTIVE LEGAL REMEDIES HAD BEEN EXHAUSTED AND WHERE IT APPEARED IN LIGHT OF ALL REPEAT ALL FACTS OF CASE THAT THERE HAD BEEN DENIAL OF JUSTICE. IT ALSO WAS STRESSED THAT USG IS NOT IN POSITION AT THIS TIME TO MAKE ANY JUDGMENT AS TO WHETHER OR NOT ESPOUSAL WOULD BE JUSTIFIED.

3. IN VIEW OF LIKELIHOOD THAT DUPONT CARIBBEAN CONCESSION WILL, IN FACT, BE CANCELLED AS RESULT OF CURRENT COURT PROCEEDINGS, REQUEST EMBASSY INFORM DEPARTMENT AS TO WHAT FURTHER LEGAL STEPS, IF ANY, WOULD BE AVAILABLE TO DUPONT CARIBBEAN AND PIERSON IN HAITI, SUCH AS APPEALS OR SIMILAR PROCEEDINGS TO REVIEW JUDGMENT OF COURT. FYI: IN VIEW OF COMPLEX AND UNCERTAIN FACTS OF CASE, WE HOPE THAT JUDGMENT OF CIVIL COURT, IF RESULT IS CANCELLATION OF CONCESSION, WILL EXPRESSLY STATE LEGAL GROUNDS ON WHICH IT IS BASED, SUCH AS VIOLATION BY PIERSON AND DUPONT CARIBBEAN OF MATERIAL PROVISIONS OF CONCESSION AGREEMENT. END FYI. ROGERS
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